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in CO410002, 2007, Incoming
for additional information

M&RP TEXT PAGES

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THESE TEXT PAGES
IN M&RP

CHAPTER 1
GENERAL CONTENTS

- T. 21 S., R. 4 E., SLM, Utah
Sec. 25, all;
Sec. 36, N1/2
T. 21 S., R. 5 E., SLM, Utah
Sec. 30, lots 2-4, W1/2SE1/4.

Federal Coal Lease U-63214 - (10,055.46 acres) - Approved July 1989
Modified June 1999

- T. 21 S., R. 4 E., SLM, Utah
Sec. 12, E1/2SE1/4
Sec. 13, E1/2NE1/4, S1/2
Sec. 14, E1/2SW1/4, SE1/4
Sec. 23, E1/2, E1/2W1/2
Sec. 24, all.
T. 21 S., R. 5 E., SLM, Utah
Sec. 10, SE1/4NW1/4, E1/2SW1/4, E1/2E1/2SW1/4SW1/4,
E1/2E1/2NW1/4SW1/4, E1/2E1/2SW1/4NW1/4
Sec. 15, W1/2
Secs. 16-21, all;
Sec. 22, W1/2
Sec. 26, W1/2NW1/4SW1/4, SW1/4SW1/4
Sec. 27, all;
Sec. 28, N1/2, N1/2SW1/4, SE1/4SW1/4, SE1/4
Sec. 29, E1/2NE1/4, NE1/4SE1/4
Sec. 30, lot 1, N1/2NE1/4
Sec. 33, lots 2-4, NE1/4, E1/2NW1/4, NE1/4SW1/4, N1/2SE1/4
Sec. 34, all;
Sec. 35, lots 1, 2, W1/2NW1/4, N1/2SW1/4.

- T. 22 S., R. 5 E., SLB&M, Utah
Sec. 3, lots 1-4, S1/2N1/2, NE1/4SW1/4, S1/2SW1/4, N1/2SE1/4,
SW1/4SE1/4
Sec. 4, lots 1, 2, S1/2NE1/4, SE1/4SE1/4
Sec. 9, NE1/4NE1/4
Sec. 10, W1/2NE1/4, NW1/4, N1/2SW1/4.

Federal Coal Lease UTU-76195 - (7,171.665,694.66 acres) - Approved October 1999
Modified December 2006

- ~~T. 20 S., R. 5 E., SLM~~
~~Sec. 35, S1/2NE1/4, SE1/4NW1/4, NE1/4SW1/4, S1/2SW1/4, SE1/4~~
~~Sec. 36, W1/2SW1/4, SE1/4SW1/4~~

- T. 21 S., R. 5 E., SLM
Sec. 1, lots 3-4, S1/2SW1/4, SW1/4 SE1/4
Sec. 2, lots 1-4, S1/2S1/2 lots 3,4, S1/2SW1/4, SW1/4SE1/4
Sec. 10, E1/2
Sec. 11-14, all

Sec. 12, S1/2SW1/4, NW1/4SW1/4
Sec. 13, NW1/4, S1/2
Sec. 14, all
Sec. 15, E1/2
Sec. 22, E1/2
Sec. 23-24, all
Sec. 25, N1/2, N1/2S1/2
Sec. 26, N1/2, NE1/4SW1/4, E1/2NW1/4SW1/4, SE1/4

T. 21 S., R. 6 E., SLM
Sec. 19, lots 3-4, E1/2SW1/4
Sec. 30, lots 1-3, E1/2NW1/4, NE1/4SW1/4

State of Utah Coal Lease ML 49443-OBA - (2,134.19 acres) - Approved October 2004

T. 21 S., R. 5 E., SLB&M
Sec. 4: Lots 1, 2, 3, 4, S1/2S1/2
Sec. 5: Lots 1, 2, 3, 4, S1/2S1/2
Sec. 7: Lots 2, 3, 4, S1/2NE1/4, SE1/4
Sec. 8: All
Sec. 9: All

Canyon Fuel Company, LLC acquired the right to entry on these properties in the merger described in Section 111 hereinabove.

In addition, the SUFCO Mine permit area includes certain fee lands owned by Canyon Fuel Company, LLC as follows:

T. 21 S., R. 5 E., SLB&M, Utah
Sec. 29, SW1/4, NW1/4, W1/2NE1/4, W1/2SE1/4
Sec. 30, S1/2NE1/4, E1/2SE1/4
containing 640.00 acres
T. 22 S., R. 4 E., SLB&M, Utah
Sec. 18, NW1/4NE1/4
containing 40 acres

The name of the owner of these fee lands changed from Coastal States Energy Company to Canyon Fuel Company, LLC as a result of the merger transaction described in Section 111 hereinabove.

The SUFCO Mine also uses certain Forest Service lands in its operation for a spring collection system, pumphouse, water transmission line, sanitary discharge line, sanitary drainfield, access road to the sediment pond, and 25 KV powerline. These USFS special use permit areas are shown on Plate 5-6 through portions of:

T. 22 S., R. 4 E., SLB&M, Utah

Sec. 12, S1/2
containing 13.03 acres

The name of the permittee changed from Southern Utah Fuel Company to Canyon Fuel Company, LLC pursuant to the merger described in Section 111 hereinabove.

115 Status of Unsuitability Claims

To the best knowledge of Canyon Fuel Company, LLC, no portion of the area to be permitted is designated, or under study for being designated, unsuitable for mining.

Since the SUFCO Mine was in production before passage of the Surface Mining Control and Reclamation Act of 1977, the unsuitability criteria were not applied to the existing surface facilities.

Canyon Fuel Company, LLC does not propose to conduct coal mining or reclamation operations within 300 feet of any occupied dwelling. Coal mining and reclamation operations have been or will be conducted within 100 feet of a public road, see Section 5.2.1.1 for details. Forest Service approval to conduct coal mining and reclamation operations within 100 feet of the Link Canyon forest service road is located in Appendix 1-1 and the newspaper advertisement for public comment is located in Appendix 1-3.

116 Permit Term

The following information is presented to identify permit term requirements and stipulations. Canyon Fuel Company will be operating the SUFCO Mine with continuous miner and longwall mining methods. Although the Mining and Reclamation Permit Application covers the next five-year period of mining, information is presented below for the life of the mining operation.

- | | | |
|----|------------------------------------|--|
| 1. | First coal produced | 1941 |
| 2. | Termination of mining activity | December, 2016 |
| 3. | Horizontal extent of mine workings | 26,767.14 25,290.14 acres (Life of mine) |
| 4. | Vertical extent of mine workings | Surface to 2,000 feet deep (Life of mine) |

The anticipated total acreage to be affected during the five years of operation by underground mining activities is 1,500 acres. The estimated number of total surface acres to be affected over the entire mining operation is 46.306 acres.

| <u>PERMITTED DISTURBED AREA BOUNDARY</u> | <u>ACTUAL AREA CURRENTLY DISTURBED TO BE RECLAIMED</u> | <u>SITE DESCRIPTION</u> |
|--|--|--|
| 28.084 | 16.758 | Mine Site, East Spring Canyon |
| 0.286 | 0.017 | 3 East Portals |
| 1.774 | 0.70 | 4 East Portals |
| 0.302 | 0.017 | South Portals |
| 0.396 | 0.017 | Quitchupah Portals |
| 0.967 | 0.39 | Spring Collection Field, Convulsion Canyon |
| 0.220 | 0.075 | Pump House, Convulsion Canyon |
| 0.784 | 0.40 | Leach Field, Convulsion Canyon |
| 1.595 | 0.193 | Water Tank, East Spring Canyon |
| 0.287 | 0.18 | Substation, Link Canyon No. 1 |
| 0.245 | 0.12 | Substation, Link Canyon No. 2 |
| 0.380 | 0.18 | Link Canyon Portal |
| <u>10.986</u> | <u>8.733</u> | <u>Waste Rock Disposal Site</u> |
| 46.306 | 27.780 | Totals |

The permit area, which is the same as the lease area legal descriptions in Section 114, includes ~~23,939.92~~ **22,462.92** acres of Federal coal leases, 2,134.19 acres of State of Utah coal leases, 640 acres of fee coal leases, the 40 acres waste rock disposal site and 13.03 acres under U.S. Forest Service special use permit for a total of ~~26,767.14~~ **25,290.14** acres.

117 Insurance and Proof of Publication

Certificates of Insurance issued to Canyon Fuel Company, LLC are located in the General Chapter 1 binder prepared for the Dugout Canyon Mine, Soldier Canyon Mine, SUFCO Mine, Skyline Mines and Banning Loadout operations and in Appendix 8-1.

The newspaper advertisement appears in Appendix 1-3. Verification of the advertisement appearing in the appropriate newspapers will be added to Appendix 1-3 and submitted to the Division no later than 4 weeks after publication.

118 Filing Fee

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Federal Coal Lease UTU-76195 - (5,694.66 acres) - Approved October 1999
Modified December 2006

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 - Sec. 2, lots 3,4, S1/2SW1/4, SW1/4SE1/4
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118 Filing Fee

A photocopy of the receipt is presented in Appendix 1-4 as proof of payment of the permit filing fee.

APPENDIX 1-2

Lease Documents



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:
3452
UTU-76195
(UT-923)

DEC 20 2006

Arkland

JAN 04 2007

Received

CERTIFIED MAIL – Return Receipt Requested

DECISION

| | | |
|---------------------------|---|------------|
| Canyon Fuel Company, LLC | : | Coal Lease |
| c/o Ark Land Company | : | UTU-76195 |
| City Place One, Suite 300 | : | |
| St. Louis, Missouri 63141 | : | |

Partial Coal Lease Relinquishment Accepted

On March 27, 2006, partial relinquishment of the above noted Federal coal lease was filed in this office by Canyon Fuel Company, LLC, the Lessee of record. A total of 1477.0 acres were requested to be relinquished, and 5,694.66 acres would remain under lease. No mining has occurred within this portion of the lease, and a modification to the Resource Recovery and Protection Plan (R2P2) for this lease was signed November 17, 2006, eliminating plans to mine this area. After reviewing the administrative record for this lease, BLM will accept the partial relinquishment requested.

In accordance with 43 CFR 3452.1-3, the relinquished lands described below are hereby accepted as of March 27, 2006. BLM has determined that this relinquishment is in the public interest, that the accrued rentals and royalties have been paid, and that all obligations of the lessee under the regulations and the terms of the leases have been met. The relinquished lands are subject to any reclamation actions deemed necessary under the requirements of the SMCRA permit. Application for refund of excess rental paid after the acceptance date should be made directly to the Minerals Management Service, Solid Minerals Staff, MS390B2, Box 25165, Denver, CO 80225. The lessee is obligated to resolve any discrepancies in payments to MMS that may be identified subsequent to this decision.

The relinquished and retained lands are described as follows:

Coal lease UTU-76195:

Relinquished Lands

T. 20 S., R. 5 E., SLM
Sec. 35, S2NE, SENW, NESW, S2SW, SE;
Sec. 36, W2SW, SESW.

T. 21 S., R. 5 E., SLM
Sec. 1, lots 3, 4, S2SW, SWSE;
Sec. 2, lots 1, 2, SESE;
Sec. 12, NE, NW, NESW, SE;

Retained Lands

T. 21 S., R. 6 E., SLM
Sec. 19, lots 3, 4, E2SW;
Sec. 30, lots 1-3, E2NW, NESW.

T. 21 S., R. 5 E., SLM
Sec. 2, lots 3, 4, S2SW, SWSE;
Sec. 10, E2;
Sec. 11, all;

Sec. 13, NE.

Sec. 12, S2SW, NWSW;
Sec. 13, NW, S2;
Sec. 14, all;
Sec. 15, E2;
Sec. 22, E2;
Sec. 23, all;
Sec. 24, all;
Sec. 25, N2, N2S2;
Sec. 26, N2, NESW, E2NWSW, SE.

Containing 1,477.00 acres more or less
Sevier County, Utah

Containing 5,694.66 acres more or less
Sevier & Emery Counties, Utah

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21)(58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is granted, and
- (4) Whether the public interest favors granting the stay.

If you have further questions call Bill Buge at (801) 539-4086.



Kent Hoffman
Deputy State Director
Lands and Minerals

Enclosure

1. Form 1842-1

cc: Resource Development Coordinating Committee, ATTN: Mineral Leasing Taskforce,
116 State Capital Building, Salt Lake City, Utah 84114
MMS, MRM, Solid Minerals Staff, Attn: Patrick Mulcahy, MS390B2, Box 25165, Denver, CO
80225-0165
Ms. Mary Ann Wright, Associate Director, Mining, UDOGM, P.O. Box 145801, Salt Lake City,
Utah 84114-5801
Ms. Alice Carlton, Forest Supervisor, Manti La Sal National Forest, 599 West Price River Drive,
Price, Utah 84501
Price Field Office (Attn: Steve Rigby)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- 1. NOTICE OF APPEAL.....**
A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the **FEDERAL REGISTER**, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
- 2. WHERE TO FILE NOTICE OF APPEAL.....**
Bureau of Land Management, Utah State Office, P. O. Box 45155, Salt Lake City, Utah 84145-0151 or
Bureau of Land Management, Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101
and
Regional Solicitor, Room 6201, 125 South State Street, Salt Lake City, Utah 84111
WITH COPY TO SOLICITOR.....
- 3. STATEMENT OF REASONS**
Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....
and
Regional Solicitor, Room 6201, 125 South State Street, Salt Lake City, Utah 84111
- 4. ADVERSE PARTIES.....**
Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.
- 5. PROOF OF SERVICE.....**
Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
- 6. REQUEST FOR STAY.....**
Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)